

EDUCATION DEPARTMENT [281]

Adopted and Filed

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 97, "Supplementary Weighting," Iowa Administrative Code.

2008 Iowa Acts, chapter 1181, division II, created a new chapter in the Iowa Code, chapter 261E, "Senior Year Plus Program." The Senior Year Plus Program established in legislation provides Iowa high school students increased access to advanced placement coursework and postsecondary credit. The first seven items address funding for and various elements of the program.

Items 8 through 10 amend provisions regarding the supplementary weighting plan for operational function sharing. In Item 8, the reference to Iowa Code chapter 28E is stricken because that is not the correct authority for such agreements. In Item 9, the percentages are reworded because the present wording only works when the district does not add more sharing arrangements. Taking 20 percent of each year is the equivalent of the present wording. Additionally, new paragraph 97.7(9)"b" clarifies the order of the adjustments and phaseouts. Item 10 is amended to give more flexibility to districts that cannot show savings because they are cutting costs across all functions, including cutting instructional staff.

Notice of Intended Action was published in the March 11, 2009, Iowa Administrative Bulletin as ARC #7611B. A public hearing was held March 31, 2009, and public comments were allowed until close of business on March 31, 2009. No written or oral comments were received regarding these amendments.

These amendments are identical to those published under Notice.

An agencywide waiver provision is provided in 281—Chapter 4.

These amendments are intended to implement 2008 Iowa Acts, Chapter 1181, sections 45 through 65, and 2008 Iowa Acts, Chapter 1191, section 157.

The following amendments are adopted.

ITEM 1. Amend rule **281—97.1(257)**, definitions of "*Political subdivision*," "*Regional academy*," and "*Supplementary weighting plan*," as follows:

"*Political subdivision*" shall mean a political subdivision in the state of Iowa and shall include a city, a township, a county, a public school district, a community college, an area education agency, or an institution governed by the state board of regents (~~Malcom~~ Malcolm Price Laboratory School, Iowa Braille and Sight Saving School, Iowa School for the Deaf, Iowa State University, University of Iowa, and University of Northern Iowa).

"*Regional academy*" shall mean an educational program established by a school district to which multiple school districts send students in grades ~~nine 9~~ nine 9 through ~~twelve 12~~ twelve 12. The curriculum shall include advanced-level courses and, in addition, may include ~~vocational-technical~~ career-technical courses, Internet-based courses, and a virtual academy coursework delivered via the ICN. Regional academy courses shall not qualify as concurrent enrollment courses and do not generate any postsecondary credit. School districts participating in regional academies are eligible for supplementary weighting as provided in Iowa Code section 257.11, subsection 2.

"*Supplementary weighting plan*" shall mean a plan as defined in this chapter to add a weighting for each resident student eligible who is enrolled in an eligible class taught by a teacher employed by another school district or taught by a teacher employed jointly with another school district or sent to and enrolled in an eligible class in another school district or sent to and enrolled in an eligible community college class. The supplementary weighting for each eligible class shall be calculated by multiplying the fraction of a school year that class represents ~~times~~ by the number of eligible resident students

enrolled in that class ~~times and then multiplying that figure by~~ the weighting factor established in Iowa Code chapter 257.

ITEM 2. Adopt the following new definitions in rule **281—97.1(257)**:

“*Career academy*” shall mean a program of study as defined in 281—chapter 47. A course offered by a career academy shall not qualify as a regional academy course. A career academy course may qualify as a concurrent enrollment course if it meets the requirements of Iowa Code section 261E.8.

“*ICN*” shall mean the Iowa Communications Network.

ITEM 3. Amend subrule **97.2(5)** as follows:

97.2(5) *Attend class in a community college.* All of the following conditions must be met for any student attending a community college-offered class to be eligible for supplementary weighting under paragraph 97.2(1) “d.”

a. to d. No change.

e. The course must be taught by ~~a teacher for whose services the community college has contracted to specifically teach the class~~ an instructor employed by or contract with the community college who meets the requirements of Iowa Code section 261E.3.

f. No change.

g. The course must ~~be of the same quality as a course offered on a community college campus~~ result in student work and assessment that meets college-level expectations.

h. The course must not have been determined as failing to meet the standards established by the postsecondary course audit committee.

ITEM 4. Amend subrule **97.2(6)** as follows:

97.2(6) *Ineligibility.* The following students are ineligible for supplementary weighting:

a. No change.

~~b. Students taking courses taught via any television or electronic medium except the Iowa Communications Network (ICN) video services.~~

~~c. b.~~ Students eligible for the special education weighting plan provided in Iowa Code section 256B.9.

~~d. c.~~ Students in whole-grade sharing arrangements except under sharing pursuant to subrule 97.2(5) or subrule 97.2(7).

~~e. d.~~ Students open enrolled out except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph “c.”

~~f. e.~~ Students open enrolled in except under sharing pursuant to subrule 97.2(5) or subrule 97.6(1), paragraph “c,” when the students are under competent private instruction and are dual enrolled in grades 9 through 12.

~~g. f.~~ Students participating in shared services rather than shared classes except under sharing pursuant to rule 97.7(257).

~~h. g.~~ Students taking postsecondary enrollment options (PSEO) courses ~~authorized under Iowa Code chapter 261C are ineligible for supplementary weighting for the PSEO courses.~~

~~i. h.~~ Students enrolled in courses or programs offered by their resident school districts unless those courses meet the conditions for attending classes in a community college under subrule 97.2(5) or if the teacher is employed by another school district pursuant to subrule 97.2(3) or if a teacher is jointly employed with another school district pursuant to subrule 97.2(4) or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ~~Iowa Communications Network (ICN)~~ ICN video services to other districts pursuant to subrule 97.6(1).

~~j. i.~~ Students enrolled in courses or programs taught by teachers employed by their resident school districts unless the employment meets the criteria of joint employment with another school district under subrule 97.2(4) or if the criteria in subrule 97.2(5) are met for students attending class in a community college or if the courses are included in the curriculum of an in-district regional academy pursuant to subrule 97.4(1) or if the courses are in-district virtual classes provided via ~~Iowa Communications Network (ICN)~~ ICN video services to other districts pursuant to subrule 97.6(1).

~~k. j.~~ Students enrolled in an at-risk program or alternative school program.

~~l. k.~~ Students enrolled in summer school courses.

ITEM 5. Amend subrule **97.2(7)**, introductory paragraph, as follows:

97.2(7) Whole-grade sharing. If all or a substantial portion of the students in any grade are shared with another one or more school districts for all or a substantial portion of a school day, then no students in that grade level are eligible for supplementary weighting except as authorized by rule 281—97.5(257). No students in the grade levels who meet the criterion in this subrule are eligible for supplementary weighting even in the absence of an agreement executed pursuant to Iowa Code sections 282.10 through 282.12. A district that discontinues grades pursuant to Iowa Code section 282.7 is deemed to be whole-grade sharing the resident students in those discontinued grades for purposes of these rules.

ITEM 6. Amend rule **281—97.4(257)** as follows:

281—97.4(257) Supplementary weighting plan for a regional academy.

97.4(1) Eligibility. Except if listed under subrule 97.2(6), a resident student is eligible for supplementary weighting if the student is eligible to be counted as a resident student for certified enrollment and if all of the following criteria are met:

a. Two or more Iowa school districts, other than a whole-grade sharing partner district, send students to advanced-level courses that are included in the curriculum of the regional academy, and these students are eligible for supplementary weighting under subrule 97.2(1), paragraph “a” or “c.” In addition, for the host district to qualify for the minimum weighting pursuant to subrule 97.4(4), one or more Iowa school districts, other than a whole-grade sharing partner district, must send students to career-technical classes that are included in the curriculum of the regional academy.

b. and c. No change.

d. The curriculum is an organized course of study, adopted by the board, that includes a minimum of two advanced-level courses that are not part of a ~~vocational-technical~~ career-technical program. An advanced-level course is a course that is above the level of the course units required as minimum curriculum in 281—Chapter 12 in the host district.

e. and f. No change.

g. Two or more sending districts that are whole-grade sharing partner districts shall be treated as one sending district for purposes of subrule 97.4(1), paragraph “a.”

97.4(2) No change.

97.4(3) Maximum weighting. The maximum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to ~~45~~ 30 full-time-equivalent pupils.

97.4(4) Minimum weighting. The minimum amount of additional weighting for which a school district establishing a regional academy shall be eligible is an amount corresponding to ~~ten additional 15 full-time-equivalent~~ pupils if the academy provides both advanced-level courses and ~~vocational-technical~~ career-technical courses.

97.4(5) Additional programs. If all of the criteria in subrule 97.4(1) are met, the regional academy may also include in its curriculum ~~vocational-technical~~ career-technical courses ~~or a virtual academy, Internet-based courses and ICN courses.~~ If the Internet connection for a qualified virtual academy is provided through the ICN, that Internet connection shall be deemed a regional academy class and not an ICN video class pursuant to Iowa Code section 257.11, subsection 6, for purposes of this subrule.

97.4(6) Maximum funding. ~~If the sum of the funding amount calculated for all districts operating regional academies under this rule exceeds \$1 million for the school year beginning July 1, 2004, and each succeeding fiscal year, the director of the department of management shall prorate the amount calculated for each district. The proration shall be based upon the amount calculated for each district when compared to the sum of the amount for all districts.~~

97.4(7) ~~October 1, 2007, is the final date that any students may be included for supplementary weighting for an in-district regional academy.~~

97.4(6) Career academy. A career academy is not a regional academy for purposes of these rules.

ITEM 7. Amend paragraph **97.5(6)** “a” as follows:

a. The progress report shall include, but not be limited to, the following information:

(1) and (2) No change.

(3) If the district is studying ~~reorganization~~ dissolution, information on whether public hearings have been held, a proposal has been adopted, and an election date has been set.

- (4) If the district is studying ~~dissolution~~ reorganization, information on whether public hearings have been held, a plan has been approved by the AEA, and an election date has been set.
- (5) and (6) No change.

ITEM 8. Amend paragraph **97.7(1)**“a” as follows:

a. The district shares a discrete operational function with one or more other political subdivisions pursuant to ~~an Iowa Code chapter 28E agreement~~ a written contract.

ITEM 9. Amend subrule **97.7(9)** as follows:

97.7(9) Weighting. Resident students eligible for supplementary weighting pursuant to rule 97.7(257) shall be eligible for a weighting of two-hundredths per pupil included in the actual enrollment in the district. The supplementary weighting shall be assigned to each discrete operational function shared. The maximum number of years for which a supplementary weighting shall be assigned for all operational functions shared is five years.

a. The supplementary weighting for operational functions shared is decreased each year based on the following schedule:

(1) The total supplementary weighting calculated for all operational function sharing in the second year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(2) The total supplementary weighting calculated for all operational function sharing in the third year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~40~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(3) The total supplementary weighting calculated for all operational function sharing in the fourth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~60~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

(4) The total supplementary weighting calculated for all operational function sharing in the fifth year of any operational function sharing, after application of minimum and maximum supplementary weighting, shall be reduced by ~~80~~ 20 percent of the total supplementary weighting for all operational function sharing in ~~the first year~~ each of the previous years of any operational function sharing, but not reduced to less than zero.

b. The decrease in the total supplementary weighting as described in paragraph “a” of this subrule shall be applied after any adjustment for minimum or maximum weighting has been applied.

~~b. c.~~ The department shall reserve the authority to determine if an operational sharing arrangement constitutes a discrete arrangement, new arrangement, or continuing arrangement if the circumstances have not been clearly described in the Iowa Code or the Iowa Administrative Code.

ITEM 10. Amend paragraphs **97.7(13)**“c” and “d” as follows:

c. The department of education will adjust the total expenditures to exclude distorting financial transactions ~~such as energy costs, large equipment purchases,~~ or interagency financial transactions. Distorting financial transactions shall be determined by the department of education.

d. If the district cannot demonstrate cost savings directly attributable to the shared operational function ~~and or~~ increased student opportunities, the district will not be eligible for supplementary weighting for operational function sharing for that fiscal year.

ITEM 11. Amend **281—Chapter 97**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 257.6, section 257.11 as amended by 2007 Iowa Acts, Senate File 447 and Senate File 588, section 20, and section 257.12, Iowa Code chapter 261E, and 2007 Iowa Acts, Senate File 588, section 20.